

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KENNETH ARMSTRONG and
GLORIA ARMSTRONG,

Plaintiffs,

v.

Case No: 8:21-cv-2648-CEH-SPF

U.S. BANK NATIONAL
ASSOCIATION,

Defendant.

_____ /

ORDER

This matter comes before the Court on Plaintiffs' Motion to Take Judicial Notice of Facts (Doc. 16), filed on January 6, 2022. In the motion, Plaintiffs request the Court take judicial notice, pursuant to Fed. R. Evid. 201(b), of the Case Summary Report generated by the Hamilton County, Ohio, Clerk of Court in the case of *Armstrong v. U.S. Bank National Association*, Case No. A 1904882. Plaintiffs supplemented their motion, pursuant to the conferral requirement in Rule 3.01(g), to apprise the Court that Defendant does not oppose the relief requested in the motion. Doc. 18. The Court, having considered the motion and being fully advised in the premises, will grant Plaintiffs' Motion to Take Judicial Notice of Facts.¹

¹ Plaintiffs request a hearing on their motion pursuant to Fed. R. Evid. 201(e). Because the motion is unopposed and the Court is granting the requested relief, in the interests of judicial economy and efficiency, no hearing will be scheduled on the motion.

DISCUSSION

Rule 201(b) of the Federal Rules of Evidence allows a court to take judicial notice of “a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). This includes “public records within its files relating to the particular case before it or other related cases.” *Cash Inn of Dade, Inc. v. Metro. Dade Cty.*, 938 F.2d 1239, 1243 (11th Cir. 1991). Additionally, the Court may take judicial notice of a document filed in another court, not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation and related filings. *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994). Pursuant to Rule 201(c)(2), the Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.”

In Plaintiffs’ motion to take judicial notice of facts, Plaintiffs request this Court take judicial notice of the Case Summary report generated by the Hamilton County, Ohio, Clerk of Court in Case No. A 1904882, including the “description and date of entry into the record.” Doc. 16. Plaintiffs attach the case summary to their motion. *See* Doc. 16-1. The accuracy of the document generated by the Hamilton County, Ohio, Clerk of Court is not in dispute and its accuracy can be readily ascertained. Defendant does not oppose the motion. Doc. 18. The motion is due to be granted. The Court will take judicial notice of the Case Summary document generated by the Hamilton

County, Ohio, Clerk of Court, the fact of such litigation, and the description and date of the filings made in that action. Accordingly, it is

ORDERED:

1. Plaintiffs' Motion to Take Judicial Notice of Facts (Doc. 16) is **GRANTED** as set forth in this Order.

DONE AND ORDERED in Tampa, Florida on January 26, 2022.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any